

REINSTATEMENT EFFECTIVE IMMEDIATELY
EIGHTEEN-MONTH PROBATION IMPOSED

In re Gary S. Melvin, Supreme Court Case No. 560, 2003

In an opinion issued on January 12, 2004, the Delaware Supreme Court reinstated Gary S. Melvin as a member of the Delaware Bar. The reinstatement is effective immediately. The Court imposed a probation of eighteen months on Mr. Melvin. The probationary period begins on January 12, 2004 and ends on July 13, 2005.

Mr. Melvin was admitted to the Delaware Bar in 1981. Until his interim suspension on January 1, 2002, he was employed in the Office of the Public Defender in Kent County. On November 13, 2001, Mr. Melvin entered into a plea agreement with the Attorney General. Pursuant to the Agreement, he pled guilty to two misdemeanors: (1) criminal contempt of a Protection from Abuse Order and (2) hindering prosecution. As a result of these charges, Mr. Melvin was suspended from the practice of law.

Since January 2002 Mr. Melvin has been employed by the firm of Brown, Shiels, Beauregard and Chasanov in Dover, performing legal research, drafting and maintaining the firm's law library. He plans to remain with the firm as an attorney practicing primarily in the area of criminal law.

Mr. Melvin admitted, and the Board on Professional Responsibility made findings affirmed by the Court, that Mr. Melvin violated Rules 8.4(b) and 8.4(d). Rule 8.4(b) provides that it is misconduct for a lawyer to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Rule 8.4(d) provides that it is misconduct for a lawyer to "engage in conduct that is prejudicial to the administration of justice."

Mr. Melvin's reinstatement is subject to the following four conditions:

- (1) Mr. Melvin must be supervised by an attorney approved by the Office of Disciplinary Counsel (ODC) for a period of eighteen months.
- (2) Mr. Melvin must continue counseling until his counselor determines it is no longer necessary.
- (3) Mr. Melvin must continue any medications prescribed by his doctors until his doctors determine medication is no longer necessary.

(4) To the extent that his current counseling is not on an individual basis, Mr. Melvin should receive individual counseling.